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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/406,290	09/24/1999	JEFFREY K. DELLINGER	37168/82045	1448

7590 05/28/2004

BARNES & THORNBURG  
600 ONE SUMMIT SQUARE  
FORT WAYNE, IN 46802

EXAMINER
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CUFF, MICHAEL A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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Commissioner for Patents

Applicant's Reply Brief has been received and considered.

The examiner maintains the rejection. A few clarifications listed below

In reference to "Related appeals and interferences", the examiner used a boiler-plate paragraph, the record is clear.

In reference to grouping of claims, CFR 1.192 and MPEP 1206, (7) Grouping of claims. For each ground of rejection which appellant contests and which applies to a group of two or more claims, the Board shall select a single claim from the group and shall decide the appeal as to the ground of rejection on the basis of that claim alone unless a statement is included that the claims of the group do not stand or fall together and, in the argument under paragraph (c)(8) of this section, appellant explains why the claims of the group are believed to be separately patentable. Merely pointing out differences in what the claims cover is not an argument as to why the claims are separately patentable. Applicant has not met the criteria of arguing separately patentable.

In reference to step f of claim 4, payments will be made as long as the account value balance is greater than zero or the withdrawal rate is less than the predetermined maximum withdrawal rate introduced in step e.

Applicant asserts, "This means that, as long as the rate of withdrawal is less than the predetermined maximum withdrawal rate, an annuitant can continue to withdraw money from the account, even after the account balance reaches zero." The examiner believes that applicant should have claimed what was meant instead of the current claim language. "as long as" (conditional) and "or" (alternative) are very different.

Any inquiry concerning this communication should be directed to Michael Cuff at telephone number (703) 308-0610.

*Michael Cuff* 5/26/04  
MICHAEL CUFF  
PRIMARY EXAMINER